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09-CR-00137-ORD

United States District Court

for

Western District of Washington

Report on Offender Under Supervision

Name of Offender: Guadalupe Santana Martinez

Case Number: 2:09CR00137JLR-001

Name of Judicial Officer: The Honorable James L. Robart

Date of Original Sentence: 03/12/08

Date of Report: 5/2/11

Original Offense: Conspiracy to Use Access Devices to Modify Telecommunications Instruments and to Access Protected Telecommunications Computer

Original Sentence: 30 months custody; 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/24/09

Special Conditions Imposed:

☒ Substance Abuse☒ Financial Disclosure☒ Restitution: \$24,706.73☒ Mental Health☐ Fine☐ Community Service

☒ Other: Cooperate in the collection of DNA; No new credit; financial disclosure; no self-employment; participate in workforce development program; no use or ownership of computer hardware programs; and no computers or internet access without permission.

NONCOMPLIANCE SUMMARY

The probation officer believes that Guadalupe Santana Martinez has violated conditions of supervision by:

Violation

Number Nature of Noncompliance

1 Using marijuana on or before July 8, and November 15, 2010, in violation of standard condition 7.

This is the first positive test result since:
Placement under supervision

The probation officer has reviewed the matter and taken the following action:

☒ Placement in structured testing program
☒ Reprimand by probation officer

☒ Increased frequency of testing
☐ Compliance conference with unit supervisor

☐ Referral for professional assessment
☐ Referral to community based residential program

☐ Referral for counseling
☐ Referral for intensive outpatient treatment

The Honorable James L. Robart
Report on Offender
Under Supervision

Page 2


Mr. Martinez began his three year term of supervised release on March 24, 2009. Although the defendant was charged and sentenced in the Northern District of Texas, jurisdiction of the case was transferred to the Western District of Washington on May 11, 2009.

The undersigned assumed supervision of the defendant's case in November 2010. As indicated, on July 8, 2010, the defendant submitted a urinalysis tests which returned positive for marijuana. On November 15, 2010, the probation officer spoke to the defendant about his use of marijuana. At that time, Mr. Martinez admitted he had used marijuana on the noted date, and indicated he had been smoking marijuana for the previous few weeks because he obtained a medical prescription to do so. After the undersigned informed the defendant that using marijuana was illegal, and that he was in violation of his conditions of supervision, he immediately agreed to cease smoking the substance. A urinalysis test taken that date returned positive for marijuana. In response, the defendant was counseled by the probation officer, his testing frequency was increased, and he was directed to attend Narcotics Anonymous meetings as needed. To his credit, Mr. Martinez has since continued to test negative for drug use and reports complete abstinence from illicit substances.

It is recommended that no action be taken by the court at this time, as the defendant's use of marijuana appears to have ceased, and he is otherwise performing well and in compliance with his conditions of probation. Mr. Martinez' term of supervised release is scheduled to routinely expire on March 23, 2012. The offender's substance abuse, which is cited in this report, may be alleged in a violation proceeding at a later time in the event of further noncompliance.

I swear under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of May, 2011.


Andrew J. Lorenzen
U. S. Probation Officer

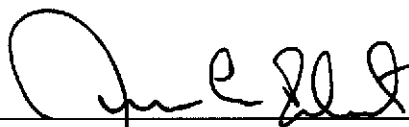
APPROVED:
Connie Smith
Chief U.S. Probation and Pretrial Services Officer




BY:
Timothy J. Manion
Assistant Deputy Chief U.S. Probation Officer

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☒ Concur with probation officer action
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons
☐ Other



Signature of Judicial Officer



Date